

**MONDAY, MAY 19, 2003**

**FORTY-SECOND LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Tom Mooty of First Baptist Church in Wartburg, Tennessee, a guest of Senator Kilby.

**PLEDGE OF ALLEGIANCE**

Senator Kilby led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 31

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

**COMMUNICATION**

May 19, 2003

Lt. Governor John S. Wilder  
1 Legislative Plaza  
Nashville, TN 37243-0026

Dear Lt. Gov. Wilder:

Please excuse me from Session today, Monday, May 19, 2003 at 5:00 p.m. I will not be able to attend.

Sincerely,

/s/ Doug Jackson

APPROVED: Lieutenant Governor  
John S. Wilder

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

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### **Senate Bill No. 2038** by Senator Burks.

Monterey -- Subject to local approval, revises terms of office for board of aldermen and staggers terms. Amends Chapter 492 of the Acts of 1901; as amended.

### **Senate Bill No. 2039** by Senator Beavers.

Wilson County -- Subject to local approval, enacts adequate facilities tax.

### **Senate Bill No. 2040** by Senator Clabough.

Maryville -- Subject to local approval, authorizes hotel/motel tax in amount not to exceed two and one-half percent of consideration charged by operator of hotel.

### **Senate Bill No. 2041** by Senator Clabough.

Alcoa -- Subject to local approval, authorizes hotel/motel tax in amount not to exceed two and one-half percent of consideration charged by operator of hotel.

### **Senate Bill No. 2042** by Senator Trail.

Rutherford County -- Subject to local approval, creates human resources department.

## **HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 202** -- Public Contracts -- Prohibits person from bidding on public contract if relative is member of board or commission responsible for awarding contract; prohibits state employee from working for government entity if relative is member of board or commission that makes decisions affecting operation of such entity. Amends TCA Section 8-31-103 and Section 12-3-106.

**House Bill No. 641** -- Hospitals and Health Care Facilities -- Revises fee for certain home care organizations and redefines "personal support services". Amends TCA Title 33 and Title 68.

**House Bill No. 1058** -- Children -- Allows parents to execute valid waiver of liability for injuries incurred by minor child. Amends TCA Title 37.

**House Bill No. 1491** -- Sunset Laws -- Alcoholic beverage commission, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 57, Chapter 1.

**House Bill No. 1606** -- Handgun Permits -- Authorizes permit holders to operate under expired permit if application for renewal of such permit has been made to Department of Safety. Amends TCA Title 39, Chapter 17.

**House Bill No. 1986** -- Contractors -- Removes exclusion from definition of contractor those persons constructing residences on private property for resale in certain counties. Amends TCA Section 62-6-102(3)(D)(I).

**House Bill No. 2073** -- State Government -- Provides for changes in structure of state government programs in order to fund state budget. Amends TCA Title 2; Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 44; Title 45; Title 49; Title 50; Title 51; Title 54; Title 55; Title 56; Title

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57; Title 58; Title 59; Title 60; Title 61; Title 62; Title 63; Title 65; Title 66; Title 67; Title 68; Title 70; and Title 71.

**House Bill No. 2110** -- New Johnsonville -- Subject to local approval, decreases residency requirement to run for mayor or councilman from two years to one year; removes provision regarding elector signing more than one nominating petition. Amends Chapter 77 of the Private Acts of 1971.

**House Bill No. 2111** -- New Johnsonville -- Subject to local approval, changes appointing authority for city clerk from mayor to city council. Amends Chapter 77 of the Private Acts of 1971; as amended.

**House Bill No. 2115** -- Humboldt -- Subject to local approval, increases salary of mayor. Amends Chapter 61 of the Private Acts of 2001.

**House Bill No. 2116** -- Hamilton County -- Subject to local approval, authorizes Chattanooga-Hamilton County Hospital Authority to take certain actions with respect to issuance, sale and terms of bonds, notes, refunding bonds and related contracts. Amends Chapter 297 of the Private Acts of 1976.

### **SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

**Senate Bill No. 2036** held on desk.

**Senate Bill No. 2037** held on desk.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 454** by Senator Bryson.  
Memorials, Professional Achievement -- Jerry Chesnut.

**Senate Joint Resolution No. 455** by Senator Herron.  
Memorials, Public Service -- University of Tennessee at Martin Alpha Tau Omega, Push for St. Jude.

**Senate Joint Resolution No. 456** by Senator Herron.  
Memorials, Academic Achievement -- Brandy Ford, Valedictorian, Stewart County High School.

**Senate Joint Resolution No. 457** by Senator Herron.  
Memorials, Academic Achievement -- Audrey Smith, Salutatorian, Stewart County High School.

**Senate Joint Resolution No. 458** by Senator Herron.  
Memorials, Academic Achievement -- Brittany Barrett, Salutatorian, Riverside High School.

**Senate Joint Resolution No. 459** by Senator Herron.  
Memorials, Academic Achievement -- Nick Griffin, Valedictorian, Riverside High School.

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**Senate Joint Resolution No. 460** by Senator Herron.

Memorials, Academic Achievement -- Veronica Drolet, Valedictorian, Big Sandy High School.

**Senate Joint Resolution No. 461** by Senator Herron.

Memorials, Academic Achievement -- Mallory Hacker, Valedictorian, Henry County High School.

**Senate Joint Resolution No. 462** by Senator Herron.

Memorials, Academic Achievement -- Bethany Holland, Salutatorian, Big Sandy High School.

**Senate Joint Resolution No. 463** by Senator Herron.

Memorials, Academic Achievement -- Delana Jean McDaniel, Valedictorian, South Fulton High School.

**Senate Joint Resolution No. 464** by Senator Herron.

Memorials, Academic Achievement -- Megan Suiter, Valedictorian, South Fulton High School.

**Senate Joint Resolution No. 465** by Senator Herron.

Memorials, Sports -- Michael Hill.

**Senate Joint Resolution No. 466** by Senator Jackson.

Memorials, Death -- Ronnie Shipp.

**Senate Joint Resolution No. 467** by Senator Kilby.

Memorials, Academic Achievement -- Tori Beth Buck, Salutatorian, York Institute.

**Senate Joint Resolution No. 468** by Senator Kilby.

Memorials, Academic Achievement -- Robert Allen Cravens, Valedictorian, York Institute.

**Senate Joint Resolution No. 469** by Senator Kilby.

Memorials, Academic Achievement -- James Raymond Mitchell, Valedictorian, Midway High School.

**Senate Joint Resolution No. 470** by Senator Kilby.

Memorials, Academic Achievement -- Heather Chapman, Valedictorian, Midway High School.

**Senate Joint Resolution No. 471** by Senator Kilby.

Memorials, Academic Achievement -- Joshua Hayes, Valedictorian, Midway High School.

**Senate Joint Resolution No. 472** by Senator Kilby.

Memorials, Academic Achievement -- Deanna Hensley, Valedictorian, Midway High School.

**Senate Joint Resolution No. 473** by Senator Kilby.

Memorials, Academic Achievement -- Emily Adelle Lassiter, Salutatorian, Oakdale School.

**Senate Joint Resolution No. 474** by Senator Kilby.

Memorials, Academic Achievement -- Justin McKamey, Valedictorian, Stony Fork High School.

**Senate Joint Resolution No. 475** by Senator Kilby.

Memorials, Academic Achievement -- Samantha Jolene Coffey, Valedictorian, Oakdale School.

**Senate Joint Resolution No. 476** by Senator Kilby.

Memorials, Academic Achievement -- Ashley McKamey, Salutatorian, Stony Fork High School.

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### **Senate Joint Resolution No. 477** by Senator Haynes.

Memorials, Interns -- Carrie Green.

### **Senate Joint Resolution No. 478** by Senator Miller.

Naming and Designating -- Grants any Tennessee community raising American flags in specific program to honor veterans of United States Armed Forces designation "Flag City USA".

### **Senate Resolution No. 90** by Senator Miller.

Memorials, Interns -- Erin Bumbalough.

### **Senate Resolution No. 91** by Senator Dixon.

Memorials, Professional Achievement -- Walter W. Diggs, Joint Commission.

### **Senate Resolution No. 92** by Senator Norris.

Memorials, Interns -- Anna Enright.

## **RESOLUTIONS LYING OVER**

**House Joint Resolution No. 189** -- General Assembly, Directed Studies -- Directs forestry commission to evaluate Southern Forest Resource Assessment relative to forest resource issues in Tennessee.

The Speaker announced that he had referred House Joint Resolution No. 189 to Committee on Environment, Conservation and Tourism.

### **House Joint Resolution No. 560** -- Memorials, Interns -- Sharon Washington.

The Speaker announced that he had referred House Joint Resolution No. 560 to Committee on Calendar.

**House Joint Resolution No. 561** -- Memorials, Sports -- Nashville Central Christian Warriors, boys' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 561 to Committee on Calendar.

**House Joint Resolution No. 562** -- Memorials, Sports -- Nashville Central Christian Warriors, junior high school girls' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 562 to Committee on Calendar.

### **House Joint Resolution No. 563** -- Memorials, Interns -- Sharon Ann Fortner.

The Speaker announced that he had referred House Joint Resolution No. 563 to Committee on Calendar.

**House Joint Resolution No. 565** -- Memorials, Congratulations -- Cookeville High School Cavalier Academic Team 2002-2003 season.

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The Speaker announced that he had referred House Joint Resolution No. 565 to Committee on Calendar.

**House Joint Resolution No. 566** -- Memorials, Personal Achievement -- Joshua David Jorgenson, volunteer work with Boy Scouts of America.

The Speaker announced that he had referred House Joint Resolution No. 566 to Committee on Calendar.

**House Joint Resolution No. 567** -- Memorials, Academic Achievement -- Justin Newell, United States Achievement Academy English Award.

The Speaker announced that he had referred House Joint Resolution No. 567 to Committee on Calendar.

**House Joint Resolution No. 568** -- Memorials, Interns -- Donnie Winningham.

The Speaker announced that he had referred House Joint Resolution No. 568 to Committee on Calendar.

**House Joint Resolution No. 569** -- Memorials, Interns -- John Winnett.

The Speaker announced that he had referred House Joint Resolution No. 569 to Committee on Calendar.

**House Joint Resolution No. 570** -- Memorials, Public Service -- Barbara Brown.

The Speaker announced that he had referred House Joint Resolution No. 570 to Committee on Calendar.

**House Joint Resolution No. 571** -- Memorials, Professional Achievement -- Melvin Arnett, honored by Wilson County agricultural officials.

The Speaker announced that he had referred House Joint Resolution No. 571 to Committee on Calendar.

**House Joint Resolution No. 573** -- Memorials, Sports -- Jackson County High School girls' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 573 to Committee on Calendar.

**House Joint Resolution No. 574** -- Memorials, Sports -- Brooke Armistead.

The Speaker announced that he had referred House Joint Resolution No. 574 to Committee on Calendar.

**House Joint Resolution No. 575** -- Memorials, Sports -- Susie Gardner, Ohio Valley Conference Coach of the Year.

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The Speaker announced that he had referred House Joint Resolution No. 575 to Committee on Calendar.

**House Joint Resolution No. 576** -- Memorials, Sports -- Dave Loos, 2002-2003 OVC Men's Coach of the Year.

The Speaker announced that he had referred House Joint Resolution No. 576 to Committee on Calendar.

**House Joint Resolution No. 577** -- Memorials, Sports -- Austin Peay State University women's basketball team.

The Speaker announced that he had referred House Joint Resolution No. 577 to Committee on Calendar.

**House Joint Resolution No. 578** -- Memorials, Sports -- Austin Peay State University men's basketball team, OVC Tournament Champions.

The Speaker announced that he had referred House Joint Resolution No. 578 to Committee on Calendar.

**House Joint Resolution No. 579** -- Memorials, Professional Achievement -- James H. Quillen Veterans Administration Medical Center Centennial.

The Speaker announced that he had referred House Joint Resolution No. 579 to Committee on Calendar.

**Senate Joint Resolution No. 449** -- Memorials, Interns -- David Pair.

The Speaker announced that he had referred Senate Joint Resolution No. 449 to Committee on Calendar.

**Senate Joint Resolution No. 452** -- Memorials, Recognition -- Foster Care Month.

The Speaker announced that he had referred Senate Joint Resolution No. 452 to Committee on State and Local Government.

**Senate Joint Resolution No. 453** -- Memorials, Professional Achievement -- Cynthia A. Jones, National Teachers Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 453 to Committee on Calendar.

**Senate Resolution No. 89** -- Memorials, Retirement -- Stephen DuJuan "Bubba" Miller.

The Speaker announced that he had referred Senate Resolution No. 89 to Committee on Calendar.

**MOTION**

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 920, 1577, 1834 and 1718** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 20, 2003, which motion prevailed.

**REFERRAL**

Senator Henry announced that pursuant to Rule 31, **Senate Bills Nos. 634 and 675** were referred to the Committee on Finance, Ways and Means.

**MOTION**

Senator Bryson moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 454**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 454** -- Memorials, Professional Achievement -- Jerry Chesnut.

On motion of Senator Bryson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 454** was adopted.

A motion to reconsider was tabled.

**MOTION**

Senator Miller moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1022 and House Joint Resolution No. 189** on the calendar for the Committee on Environment, Conservation and Tourism immediately after session today, which motion prevailed.

**MOTION**

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 12, 887, 634 and 1782** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 20, 2003, which motion prevailed.

**MOTION**

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 675** on the calendar for the Committee on Finance, Ways and Means for Wednesday, May 21, 2003, which motion prevailed.

**NOTICE**

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.



**MESSAGE FROM THE HOUSE**

May 15, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1332, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 15, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1687, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 15, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1959, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1955, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1647, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1067, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

MOTION

Senator Crowe moved that **Senate Joint Resolution No. 447** be rereferred to Committee on Calendar, which motion prevailed.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 438** -- Memorials, Academic Achievement -- Leigh Danielle Nunnery, Salutatorian, Camden High School.

**Senate Joint Resolution No. 439** -- Memorials, Interns -- Mary Ann Riddle.

**Senate Joint Resolution No. 440** -- Memorials, Recognition -- Lynn Parker, Outstanding Community Service.

**Senate Joint Resolution No. 441** -- Memorials, Academic Achievement -- John William Carruth, Valedictorian, Camden Central High School.

**Senate Joint Resolution No. 442** -- Memorials, Academic Achievement -- Whitney Howerton, Valedictorian, Lake County High School.

**Senate Joint Resolution No. 443** -- Memorials, Academic Achievement -- Jamie Pierce, Salutatorian, Lake County High School.

**Senate Joint Resolution No. 444** -- Memorials, Personal Occasion -- Lucille Jones Gardner, 100th birthday.

**Senate Joint Resolution No. 445** -- Memorials, Academic Achievement -- JoeAnna Sanders, Valedictorian, Faith Missionary Academy.

**Senate Joint Resolution No. 446** -- Memorials, Academic Achievement -- Zack Meeks, Salutatorian, Faith Missionary Academy.

**Senate Joint Resolution No. 449** -- Memorials, Interns -- David Pair.

**Senate Resolution No. 87** -- Memorials, Retirement -- Dr. Tom Campbell.

**Senate Resolution No. 89** -- Memorials, Retirement -- Stephen DuJuan "Bubba" Miller.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted, which motion prevailed by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**PRESENTATION**

Senator Ramsey presented **Senate Resolution No. 55** to former Senator Tommy Haun.

**CONSENT CALENDAR NO. 2**

**Senate Resolution No. 71** -- General Assembly, Confirmation of Appointment -- Walter Knestrick, Commissioner of Watkins Institute.

**House Joint Resolution No. 32** -- Naming and Designating -- "Major General Dan Wood National Guard Armory" in Henderson.

**House Joint Resolution No. 425** -- Memorials, Congress -- Urges Congress to appropriate funds for immunization of children two years old and younger.

**Senate Joint Resolution No. 259** -- Naming and Designating -- Designates September 11 as "Emergency Responders' Day" in Tennessee.

**Senate Joint Resolution No. 260** -- Naming and Designating -- Establishes Sunday falling during National Fire Prevention Week in October as "Firefighters' Memorial Day" in Tennessee.

**Senate Joint Resolution No. 321** -- General Assembly, Statement of Intent or Position -- Urges state insurance committee to establish supplemental health insurance program for state employees and state retirees, if appropriate.

**Senate Bill No. 226** -- Hospitals and Health Care Facilities -- Revises fee for certain home care organizations and redefines "personal support services". Amends TCA Title 33 and Title 68.

On motion, Senate Bill No. 226 was made to conform with **House Bill No. 641**.

On motion, House Bill No. 641, on same subject, was substituted for Senate Bill No. 226.

**Senate Bill No. 683** -- Election Laws -- Allows county election commissions to establish centrally located voting sites; requires persons trying to receive party nomination by write-in ballots to complete notice requesting ballots be counted; makes other revisions to various election laws. Amends TCA Title 2, Chapter 2; Title 2, Chapter 7 and Title 2, Chapter 8.

**Senate Bill No. 701** -- Firefighters -- Requires instead of allows, that two members of commission on firefighting personnel standards and personnel be selected from candidates approved by Tennessee professional firefighters association. Amends TCA Section 4-24-104.

On motion, Senate Bill No. 701 was made to conform with **House Bill No. 1677**.

On motion, House Bill No. 1677, on same subject, was substituted for Senate Bill No. 701.

**Senate Bill No. 1092** -- Election Laws -- Requires elected officials to specifically name in disclosure statement, all firms or organizations in which such official has investments. Amends TCA Title 8, Chapter 50, Part 5.

On motion, Senate Bill No. 1092 was made to conform with **House Bill No. 957**.

On motion, House Bill No. 957, on same subject, was substituted for Senate Bill No. 1092.

**Senate Bill No. 1640** -- Sunset Laws -- Alcoholic beverage commission, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 57, Chapter 1.

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On motion, Senate Bill No. 1640 was made to conform with **House Bill No. 1491**.

On motion, House Bill No. 1491, on same subject, was substituted for Senate Bill No. 1640.

**Senate Bill No. 1998** -- Animal Control -- Authorizes animal control director, instead of county trustee, in Rutherford County to collect animal registration fee and to post bond in sufficient amount to assure that funds collected are properly administered and paid over to county. Amends TCA Section 68-8-104.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 2025** -- Lafollette -- Subject to local approval, rewrites charter. Repeals Chapter 161 of the Acts of 1897.

On motion, Senate Bill No. 2025 was made to conform with **House Bill No. 2102**.

On motion, House Bill No. 2102, on same subject, was substituted for Senate Bill No. 2025.

**Senate Bill No. 2027** -- Hickory Valley -- Subject to local authority, authorizes certain nonresident property owners to vote in town elections; expands powers of Mayor and Board of Aldermen. Amends Chapter 261 of the Private Acts of 1951; as amended by Chapter 35.

On motion, Senate Bill No. 2027 was made to conform with **House Bill No. 2114**.

On motion, House Bill No. 2114, on same subject, was substituted for Senate Bill No. 2027.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**CALENDAR**

Senator Crowe moved that **Senate Bill No. 1913** be moved to third on the calendar for today, which motion prevailed.

**Senate Bill No. 337** -- Public Contracts -- Requires prior review by fiscal review committee of non-competitively bid service contracts. Amends TCA Title 4 and Title 12.

Senator Cooper moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-4-109(a)(1), is amended by adding the following new items:

(G)(1) All requests, approved in accordance with rules authorized by this subdivision (a)(1), to produce service with only one service provider shall be filed with the fiscal review committee of the General Assembly thirty (30) days prior to the proposed execution. Such request approval shall document the following:

- (i) Description of service to be acquired;
- (ii) Explanation of the need for or requirement placed on the procuring agency to acquire the service;
- (iii) Name and address of the proposed contractor's principal owner(s);
- (iv) Evidence that the proposed contractor has experience in providing the same or similar service and evidence of the length of time the contractor has provided the same or similar service;
- (v) Explanation of whether the service was ever bought by the procuring agency in the past, and if so, what method was used to acquire it and who was the contractor;
- (vi) Description of procuring agency efforts to identify reasonable, competitive, procurement alternatives (rather than to use non-competitive negotiation); and
- (vii) Justification of why the state should acquire the service through non-competitive negotiation.

(2) The provisions of (G)(1) shall only apply to sole source contracts for more than one (1) year or renewable by either party that would extend the contract beyond twelve (12) months that has a cumulative value, including all possible renewals, of two hundred fifty thousand dollars (\$250,000) or more. The fiscal review committee shall have fifteen (15) days from receipt of the

request to comment on the proposed contract. If no comment is made within fifteen (15) days of receipt of the request, such contract shall be executed.

(3) All other sole source contracts with service providers or subsidiaries or partners of service providers that, separately or collectively, have at any one time a cumulative value of one hundred thousand dollars (\$100,000) or more shall be reviewed by the fiscal review committee after execution of such contracts. With respect to such contracts to be reviewed after execution, the fiscal review committee shall be provided the same information to be submitted in connection with contracts subject to review prior to execution.

(H) All requests, approved in accordance with rules authorized by this subdivision (a)(1), to permit an exception to such rules shall be filed with the fiscal review committee of the General Assembly.

(I) The Department of Finance and Administration office of contracts review shall file a quarterly, personal, professional, and consultant service contract report with the fiscal review committee of the General Assembly. Such report shall list contracts approved in accordance with rules authorized by this subdivision (a)(1) during the prior quarter and detail whether or not each contract procurement was competitive.

SECTION 2. Tennessee Code Annotated, Section 12-4-119, is amended by adding the following new subsection:

(e) Commissioner of Finance and Administration authorization permitting a limitation of liability shall be in writing and shall be filed with the fiscal review committee of the General Assembly.

SECTION 3. The provisions of this act shall not apply to direct purchase authority contracts.

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 337**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**Senate Bill No. 350** -- Taxes -- Increases weight of receipts factor in calculating apportionment of net worth for Tennessee franchise tax purposes. Amends TCA Title 67.

Senator Henry moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all provisions of the bill following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 67-2-104, is amended by deleting the period at the end of subsection (r) and adding the following:

or to qualified tuition programs known as IRC Section 529 college savings plans.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all tax years beginning on or after January 1, 2003.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 350**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 1913** -- Special License Plates -- Authorizes issuance of NASCAR new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to Tennessee State Museum Foundation. Amends TCA Title 55, Chapter 4.

On motion, Senate Bill No. 1913 was made to conform with **House Bill No. 1946**.

On motion, House Bill No. 1946, on same subject, was substituted for Senate Bill No. 1913.

Senator Williams moved that Amendment No. 1 be withdrawn.

Senator Williams moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting subsection (c) of Section 2 in its entirety and by substituting instead the following:

(c) Except as otherwise provided in this subsection, the funds produced from the sale of NASCAR new specialty earmarked license plates shall be allocated in accordance with the provisions of § 55-4-215. The percentage of funds allocated pursuant to § 55-4-215(a)(1) from the sale of NASCAR new specialty earmarked license plates shall be distributed in equal shares to:

(1) The Tennessee State Museum Foundation to be used exclusively as recommended by the Tennessee State Museum for the production and procurement of exhibitions and the acquisition of artifacts; and

(2) Speedway Children's Charities in Tennessee in the name of NASCAR and the state of Tennessee.

The funds allocated pursuant to § 55-4-215(a)(2) shall be distributed to the Tennessee State Museum, which is under the supervision of, and administered by, the Tennessee arts commission pursuant to § 4-12-101.

AND FURTHER AMEND by adding a new, appropriately designated section immediately preceding the effective date section:

SECTION \_\_\_. Notwithstanding any provision of law to the contrary, all special license plates authorized for issuance pursuant to the provisions of Chapter 876 of the Public Acts of 2002 shall have until June 30, 2004, to meet applicable initial issuance requirements.

On motion, the amendment was adopted.

Senator Henry moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) America's Promise;

SECTION \_\_\_. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 55-4-2\_\_\_. (a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an America's Promise new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain an appropriate design representative of America's Promise. Such plates



shall be designed in consultation with the Tennessee Commission on National and Community Service.

(c) The funds produced from the sale of America's Promise new specialty earmarked license plates shall be allocated to the Tennessee Commission on National and Community Service in accordance with the provisions of § 55-4-215. Such funds shall be used exclusively for the support of America's Promise programs in Tennessee.

On motion, the amendment was adopted.

Senator Cohen moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by adding a new section before the enacting clause to read:

Amend TCA 55-4-201(h)(1), (h)(2) and (h)(3)(B) by deleting the words and number "one thousand (1,000)" and substituting "seven hundred fifty (750)".

Pursuant to Rule 39(3), Amendment No. 4 was adopted by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

**MR. SPEAKER WILDER RELINQUISHES CHAIR**

Mr. Speaker Wilder relinquished the Chair to Senator Graves as Speaker pro tempore.

Thereupon, **House Bill No. 1946**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 433** -- Campaigns and Campaign Finance -- Increases multicandidate political campaign committee aggregate contribution limit for any local office and any state office not elected by statewide election; amount of increase to reflect percentage of change in average consumer price index every year since amount was last increased and every even-numbered year

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starting in 2002; requires registry of election finance to publish increased amount on its Web site. Amends TCA Title 2, Chapter 10.

Senator Haynes moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 2-10-302(a), is amended by adding the following language at the end of the subsection:

These amounts shall be increased to reflect the percentage of change in the average consumer price index (all items-city average) as published by the United States Department of Labor, bureau of labor statistics, every year since the amounts were last increased and on January 1 of every even-numbered year starting in 2002. The registry of election finance shall publish the increased amounts on its Web site.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 433**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 18  
Noes . . . . . 10

Senators voting aye were: Atchley, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Harper, Haynes, Henry, Kilby, Kurita, McLeary, Norris, Ramsey, Trail and Williams--18.

Senators voting no were: Beavers, Bryson, Burchett, Cohen, Fowler, Herron, Ketron, McNally, Miller and Person--10.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 610** be placed on the calendar for Wednesday, May 21, 2003, which motion prevailed.

**Senate Bill No. 907** -- Bond Issues -- Authorizes issuance of bonds to fund state projects.

Senator Clabough moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the language after the caption and substituting instead the following:

WHEREAS, the Tennessee state veterans' homes were established for the purpose of providing support and care for honorably discharged veterans who served in the United States armed forces; and

WHEREAS, the State of Tennessee is able to borrow funds on better terms than can the State Veterans' Homes Board which has the responsibility for managing and operating the homes; and

WHEREAS, the General Assembly of the State of Tennessee has determined that the state's veterans population in East Tennessee is underserved with respect to the provision of state veterans' nursing homes; and

WHEREAS, the Tennessee State Veterans' Homes Board is able to contribute funds towards the debt service on state general obligation debt issued for its benefit; and

WHEREAS, Motlow State Community College and the Tennessee Board of Regents are currently leasing educational space in Smyrna, Tennessee, and are receiving appropriations to make the lease payments; and

WHEREAS, it has been determined to be in the best interest of the state to own space for the provision of delivery of educational programs in Smyrna rather than to lease; and

WHEREAS, funds appropriated to Motlow State Community College for leased space in Smyrna are available to be reappropriated for the debt service on state general obligation debt issued for such program space; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

SECTION 1. The State of Tennessee, acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell direct general obligation interest-bearing bonds of the State of Tennessee in amounts not to exceed Twenty Million Dollars (\$20,000,000) to effectuate the purposes specified in Section 4 of this act. Further, the funding board is authorized to sell bonds in amounts not to exceed 2.5% of the amounts specified above and authorized in Section 4, for the purpose of funding discount and costs of issuance. Such bonds may be issued and sold in one (1) block or in several installments and separately or together with other general obligation bonds of the State of Tennessee as the board may determine.

SECTION 2. The bonds and the interest-bearing coupons attached thereto, if any, shall be in such form, mature at such time or times within thirty (30) years from the date of their issuance, be executed in such manner, be payable at such place or places both as to principal and interest, and be in such denomination and bear such rate of interest, payable in such manner, as the funding board shall by resolution direct; provided, however, that the maximum rate determined by the funding board in no instance shall exceed the legal rate as provided in Section 47-14-103 of the Tennessee Code Annotated. The bonds shall be sold by the funding board as provided by law, together with the accrued interest thereon, and when they have been sold, the proceeds derived from the sale thereof shall be paid to the state treasurer to be disbursed by the treasurer and other fiscal officers and agencies of the state as provided by the general law and this act. The bonds and interest payable thereon shall be exempt from taxation by the State of Tennessee or by any county, municipality or taxing district of the state except inheritance, transfer and estate taxes.

SECTION 3. When the bonds are so issued and sold, they shall be direct general obligations of the State of Tennessee for the payment of which well and truly to be made

according to the tenor, effect and terms thereof the full faith and credit of the state together with its taxing power, shall irrevocably be pledged; and the bonds as authorized herein shall be issued agreeable to the terms of Title 9, Chapter 9, Tennessee Code Annotated; and they shall be financed, retired, and paid both as to principal and interest as provided in that chapter and shall be subject to the terms and conditions therein and herein contained. When the bonds are sold and proceeds paid over to the state treasurer, the funds shall be paid out by the treasurer and the proper fiscal officers of the state, as provided by general law, but only on order of the proper administrative authorities of the agency or department herein named for the benefit of which such bonds have been authorized and only to the extent such bonds have in fact been issued for the benefit of such agency or department.

SECTION 4. The proceeds of any and all issues of bonds and bond anticipation notes herein authorized shall be allocated to the following departments:

(1) To the Department of Finance and Administration in the amount of Eighteen Million Dollars (\$18,000,000) to be allocated and expended for the purpose of acquisition of equipment, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvement, betterments and extraordinary repairs to existing structures, related to state veterans' homes and for the purpose of refunding outstanding debt of the Tennessee State Veterans' Homes Board related to state veterans' homes.

The funding board shall enter into an agreement with the Tennessee State Veterans' Homes Board requiring such terms and conditions of operation of the homes as the funding board determines to be appropriate. In its discretion the funding board is authorized to issue bonds in amounts not to exceed 2.5% of the amounts specified above, the proceeds of which are to be allocated to the funding board and expended for the purpose of funding discount and the costs of issuance.

(2) To the Department of Finance and Administration in the amount of Two Million Dollars (\$2,000,000) to be allocated and expended for the purpose of acquisition of equipment, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvement, betterments and extraordinary repairs to existing structures, in Smyrna for the Tennessee Board of Regents on behalf of Motlow State Community College.

The funding board shall enter into an agreement with the Tennessee Board of Regents and Motlow State Community College requiring such terms and conditions regarding the contribution toward debt service as the funding board determines to be appropriate. In its discretion the funding board is authorized to issue bonds in amounts not to exceed 2.5% of the amounts specified above, the proceeds of which are to be allocated to the funding board and expended for the purpose of funding discount and the costs of issuance.

SECTION 5. The proper authorities heretofore enumerated and charged with the duty of expending the funds shall have authority to proceed with the projects authorized herein and for that purpose may hire an architect or architects, advertise for low bids and award contracts to low bidders, all within the provisions of the general law, expressly including the provisions of Tennessee Code Annotated, Title 4, Chapter 15, and in agreement with the terms of this act. No contract, including a contract for architectural services, involving a project authorized by this act which is subject to the approval of the

state building commission shall be entered into unless and until that contract shall have been approved by the building commission.

SECTION 6. The appropriation made to each agency or department as provided in Section 4 may be applied as determined by the funding board to bear its appropriate portion of discount and costs of issuance.

SECTION 7. Pending the issuance of the definite bonds authorized by this act, the State of Tennessee, acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell, either at public or private sale, together with accrued interest thereon, its interest-bearing bond anticipation note or notes. Such note or notes shall be authorized by resolution of the funding board, shall bear such date or dates, as such resolution or resolutions provide. The note or notes shall bear interest at such rate or rates, be in such denominations, be in such form, be executed in such manner, be payable in such medium of payment, at such place or places and mature on such date(s), subject to such terms and conditions as such resolution or resolutions may provide. In its discretion, the funding board may provide that a bond anticipation note or any renewal of such note may mature more than five (5) years from the date of issue of the original note; provided, that an amortization schedule of repayment of principal is established for the project funded by the note and provisions are made such that any note or renewal note or bond refunding such note attributed to the financing of such project shall be redeemed or retired either thirty-five (35) years from the date of issue of such original note or thirty (30) years from the date the project is completed and placed in full service, whichever is earlier. Provisions of general law with respect to authentication, execution and registration of general obligation bonds of the State of Tennessee shall also apply to the notes to the extent applicable. The note or notes and the interest payable thereon shall be exempt from taxation by the State of Tennessee or by any county, municipality or taxing district of the state except inheritance, transfer and estate taxes. Any resolution or resolutions of the funding board authorizing the issuance of such bond anticipation note or notes shall provide that the same are issued in anticipation of the bonds authorized hereunder and shall further provide that the full faith and credit of the State of Tennessee are pledged to the payment thereof.

SECTION 8. No bonds shall be issued under the authority of this act until such time as the General Assembly has appropriated sufficient funds to pay the first year's obligation of principal and interest on the amount of bonds to be issued and the state funding board has determined that such funds are available.

SECTION 9. Notwithstanding any other provision of this act to the contrary, the bonds and bond anticipation notes authorized by this act may be designated "college savings bonds" and be issued pursuant to the provisions of the Baccalaureate Education Savings for Tennessee Act, Chapter 190, Public Acts of 1989.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 907**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 1008** -- Handgun Permits -- Authorizes permit holders to operate under expired permit if application for renewal of such permit has been made to Department of Safety. Amends TCA Title 39, Chapter 17.

On motion, Senate Bill No. 1008 was made to conform with **House Bill No. 1606**.

On motion, House Bill No. 1606, on same subject, was substituted for Senate Bill No. 1008.

Senator Norris moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351(m), is amended by adding the following sentence to the end of the subsection:

No person shall be required to complete any additional handgun safety course if such person applies for a renewal of a handgun carry permit within six (6) months from the date of expiration.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(q), is amended by designating the existing language as subdivision (1) and by adding the following new language, to be designated as subdivision (2):

(2) If a person's handgun carry permit expires and such person applies for a renewal of such permit within six (6) months from the date of expiration, then such person shall only be required to complete a renewal application, as stated in subdivision (1); pay the fifty dollar (\$50.00) renewal fee; and pay an additional late fee of twenty-five dollars (\$25.00). If the renewal application is filed six (6) months or more from the date of expiration, then such person shall, for all purposes, be considered a new applicant.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

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Thereupon, **House Bill No. 1606**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Graves moved that **Senate Bill No. 1198** be placed at the heel of the calendar for today, which motion prevailed.

**Senate Bill No. 1282** -- Public Records -- Permits removal of social security number from public records under certain conditions. Amends TCA Title 8, Chapter 13 and Title 10, Chapter 7, Part 5.

On motion, Senate Bill No. 1282 was made to conform with **House Bill No. 1001**.

On motion, House Bill No. 1001, on same subject, was substituted for Senate Bill No. 1282.

Senator Cohen moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Cohen moved that Amendment No. 2 be withdrawn, which motion prevailed.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting the language "attorney" in subsection (a) of Section 1 and substituting instead the language "attorney-in-fact".

AND FURTHER AMEND by deleting the language "b. Attorney\_\_" in Section 1 subsection (b) number 3 and substituting instead the language "b. Attorney-in-fact\_\_".

AND FURTHER AMEND by deleting the language "(or person to me on the basis of satisfactory evidence)" in Section 1 subsection (b) and substituting instead the language "(or proven to me on the basis of satisfactory evidence)".

AND FURTHER AMEND by deleting the third sentence in Section 1 subsection (c) and substituting instead the following:

Upon recording the written request, the county register shall act in accordance with the request to either remove the military discharge record identified in the request from the records of the office, except microfilm records, or redact the social security identification number from a military discharge record recorded in the office of the county register if practicable.

AND FURTHER AMEND by deleting in Section 1 subsection (c) the language "If redaction is not practicable" and substituting instead the language "If redaction is requested and is not practicable".

AND FURTHER AMEND by deleting the sentence "The preparer of any document recorded in the office of the county register of deeds shall not place a social security identification number on any document filed or recorded in the office of the county register of deeds." in Section 1 and substituting instead the following "The preparer of any document recorded in the office of the county register of deeds shall not place a social security identification number on any document filed or recorded in the office of the county register of deeds, other than a power of attorney.".

On motion, the amendment was adopted.

Thereupon, **House Bill No. 1001**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**Senate Bill No. 1344 -- Arrests --** Restates requirements for issuance of arrest warrant; provides for issuance of criminal summons, in lieu of arrest warrant, if affiant is law enforcement officer. Amends TCA Title 40, Chapter 6, Part 2.

Senator Person moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-6-203, is amended by deleting the section in its entirety and substituting instead the following:

Section 40-6-203. (a) Upon information made to any magistrate of the commission of a public offense, the magistrate shall examine, on oath, the affiant(s), reduce the examination to writing, and cause the examination to be signed by the person making it.

(b)(1) The examination of the affiant(s) by the magistrate or lawfully authorized court clerk does not have to take place in a face-to-face meeting of the parties but may be conducted through the use of electronic audio-visual equipment which allows the affiant and the examining official to both view and hear each other simultaneously.

(2) Prior to the examination, an affiant shall prepare an affidavit of complaint in conformance with Rule 3 of the Tennessee Rules of Criminal



Procedure and shall electronically transmit a facsimile copy of such affidavit to the examining official. After the receipt of a legible facsimile copy of the affidavit of complaint, the examining official shall proceed with the examination upon taking the oath of the affiant. Upon the determination by the examining official that the transmitted facsimile copy is a true copy of the affidavit of complaint of an affiant, such copy shall have the same legal effect as the original affidavit of complaint executed by an affiant.

SECTION 2. Tennessee Code Annotated, Section 40-6-204, is amended by deleting the section in its entirety and substituting instead the following:

Section 40-6-204. The written examination shall set forth the facts stated by the affiant(s) that establish that there is probable cause to believe an offense has been committed and that the defendant committed it.

SECTION 3. Tennessee Code Annotated, Section 40-6-205, is amended by deleting the section in its entirety and substituting instead the following:

Section 40-6-205. If the magistrate is satisfied from the written examination that there is probable cause to believe the offense complained of has been committed and that there is probable cause to believe the defendant has committed it, then the magistrate shall issue a warrant of arrest. The finding of probable cause shall be based on evidence, which may be hearsay in whole or in part provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. If the affiant is not a law enforcement officer, as defined by §39-11-106(21), or no one of the affiants in the case of multiple-affiants is a law enforcement officer, as defined by § 39-11-106(21), then a criminal summons as provided in §40-6-215 shall issue instead of a warrant of arrest. Provided however in the case of multiple-affiants, if one or more of the affiants is a law enforcement as defined §39-11-106(21), then the magistrate may issue a warrant of arrest. A warrant may also issue if the affiant is not a law enforcement officer where there is an allegation of a violation of a pre-existing order of protection, which has been served on the defendant.

SECTION 4. Tennessee Code Annotated, Section 40-6-208, is amended by adding as subsection (d) as follows:

The warrant shall include a copy of the affidavit of complaint.

SECTION 5. Tennessee Code Annotated, Section 40-6-215, is amended by deleting the section in its entirety and substituting instead the following:

Section 40-6-215. (a) As an alternative to a warrant of arrest as provided in §§ 40-6-201 - 40-6-214, the magistrate, judge or clerk may issue a criminal summons instead of a warrant of arrest except when an affiant is not a law enforcement officer as defined by Tennessee Code Annotated, Section 39-11-106 (21), or no one of the affiants in the case of multiple-affiants is a law enforcement officer as defined by §39-11-106(21), in which instance the magistrate, judge or clerk shall issue a summons. A warrant may also issue if the affiant is not a law enforcement officer where there is an allegation of a violation of a pre-existing order of protection, which has been served on the defendant.

(b) The criminal summons shall be in substantially the same form as a warrant of arrest. The summons shall command that the defendant appear for booking and processing at the office of the sheriff or other law enforcement agency in the county responsible for booking procedures. A court date will be assigned following booking and processing procedures. It shall give notice to the person summoned that (1) that the defendant is being charged with a state criminal offense, (2) that the summons is being issued in lieu of an arrest warrant, (3) that the failure to appear for booking and processing or for court are separate criminal offenses regardless of the disposition of the charge for which the person is originally summoned, (4) that an arrest warrant will issue for failure to comply with the booking and court procedures or failure to appear for court, (5) that the failure to appear for booking and processing or failure to for court shall be punished as provided in Tennessee Code Annotated, Section 39-16-609, and (6) the defendant is encouraged to consult with an attorney about the summons.

(c) The summons shall be executed in triplicate and shall include a copy of the affidavit of complaint. When the summons is served, the original is to be returned to the court specified therein, one (1) copy, including the affidavit of complaint, given to the person summonsed, and one (1) copy to be sent to the sheriff or other law enforcement agency where the person being summoned is to appear for booking and processing.

(d) The summons shall command that the defendant appear for booking and processing at the office of the sheriff or other law enforcement agency in the county responsible for booking procedures not more than ten (10) calendar days from the date of service of the summons. The summons shall clearly state the location of the booking location to which the defendant is to report including address and room number. The summons may set forth certain reasonable hours of the day or night when booking will not be allowed on a summons so as to accommodate the other booking duties of the sheriff or other law enforcement agency in the county responsible for booking procedures.

(e) When the defendant appears for booking and processing the defendant shall be subject to all procedures for booking as for an arrest warrant such as fingerprinting and photographing but the defendant shall not be unduly detained. In no event shall the defendant be locked in holding cells with persons detained on arrest warrants.

(f) Following the booking process the sheriff or other law enforcement agency in the county responsible for booking procedures, or the court clerk shall provide the defendant with notice of a court time and date the defendant is to next appear which shall be not less than ten (10) calendar days from booking nor more than forty-five (45) days from booking. The notice shall be explicit as the where and when the court is to occur and shall advise the defendant that he or she is encouraged to consult with an attorney about the summons.

(g) The summons shall have printed on it in conspicuous block letters the following:

NOTICE: YOU ARE CHARGED WITH A STATE CRIMINAL  
OFFENSE. THIS SUMMONS HAS BEEN ISSUED IN LIEU OF AN ARREST

WARRANT. YOUR FAILURE TO APPEAR IN COURT ON THE DAY AND TIME ASSIGNED BY THIS SUMMONS OR THE FAILURE TO APPEAR FOR BOOKING AND PROSSESSING AS DIRECTED BY THIS SUMMONS WILL RESULT IN YOUR ARREST FOR SEPARATE CRIMINAL OFFENSES PUNISHABLE AS PROVIDED IN TENNESSEE CODE ANNOTATED, SECTION 39-16-609 REGARDLESS OF THE DISPOSITION OF THE CHARGE FOR WHICH YOU WERE ORIGINALLY SUMMONED. YOU ARE ENCOURAGED TO CONSULT WITH AN ATTORNEY ABOUT THIS SUMMONS. THE SIGNING AND ACCEPTANCE OF THIS SUMMONS BY THE DEFENDANT IS NOT AN ADMISSION OF GUILT OF THE CRIMINAL OFFENSE CHARGED.

(h) Each person receiving a summons under this section shall sign the summons indicating the knowledge of the notice listed in subdivision (g). The signing of the summons is not an admission of guilt of the criminal offense charged. The signature of each person creates the presumption of knowledge of the notice and a presumption to violate this section if the person should not appear in court or for booking and processing as required by the summons. If the person to receive the summons refuses to sign and accept the summons he or she shall be taken immediately before a magistrate. The magistrate shall order the terms and conditions of the defendant's release to include the posting of bail as provided by Tennessee Code Annotated, Title 40, Part 11.

(i) At the initial or any subsequent appearance of a defendant before the court, the judge may order the posting of bail as provided by Tennessee Code Annotated, Title 40, Part 11, as a condition of the continued or further release of the defendant pending the disposition of the summons.

(j) The criminal summons shall be directed and served as provided by Tennessee Code Annotated, Section 40-6-209 and shall be returned as provided by Tennessee Code Annotated, Section 40-6-215(c).

SECTION 6. Tennessee Code Annotated, Section 40-6-216(a), is amended by adding the words "or summons" between the word "warrant" and "issued".

SECTION 7. Tennessee Code Annotated, Section 40-6-216(b), is amended in the first sentence by adding the words "or summons" between the word "arrest" and the word "to" and by adding the words "or summons" to the end of the sentence.

SECTION 8. This act shall take effect January 1, 2004, the public welfare requiring it.

On motion, the amendment was adopted.

Senator Person moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **Senate Bill No. 1344**, as amended, passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

**Senate Bill No. 1527** -- Taxes, Personal Property -- Revises procedures for filing tangible personal property schedules; removes criminal penalty for failure to file schedule; provides for extension of deadline to file schedule; and changes time of notice of forced assessment from five to 10 days before county board of equalization commences session. Amends TCA Section 67-5-903.

On motion, Senate Bill No. 1527 was made to conform with **House Bill No. 1469**.

On motion, House Bill No. 1469, on same subject, was substituted for Senate Bill No. 1527.

Senator Henry moved that **House Bill No. 1469** be placed on the calendar for Monday, May 26, 2003, which motion prevailed.

**Senate Bill No. 1648** -- Sunset Laws -- State board for licensing contractors, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 6.

Senator Harper moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 2. Tennessee Code Annotated, Section 4-29-228(a), is amended by adding a new item thereto, as follows:

( ) State board for licensing contractors, created by § 62-6-104;

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1648**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 1665** -- Taxes, Hotel/Motel -- Clarifies that Shelby County is exempt from limitations on hotel tax. Amends TCA Section 67-4-1425.

Senator Person moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the caption of the printed bill and by substituting instead the following language:

WHEREAS, the General Assembly determines that there are tremendous demands on revenue sources in counties serving as international tourism and business, conference, or convention travel destinations and in municipalities in those counties; and

WHEREAS, users of hotel-motel services contribute to these demands; and

WHEREAS, because of the foregoing, the general prohibition of Tennessee Code Annotated, § 67-4-1425, should not apply in those counties and municipalities; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1425, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The provisions of this section do not apply in any county, excluding any county with a metropolitan form of government, that:

(1) Contains or borders a county that contains an airport designated as a regular commercial service airport in the international civil aviation organization (ICAO) regional air navigation plan; and

(2) Contains a government-owned convention center of at least fifty thousand (50,000) square feet with an attached, adjoining, or adjacent hotel or motel facility.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Person moved that **Senate Bill No. 1665** be moved three places down on the calendar for today, which motion prevailed.

**Senate Bill No. 1728** -- Codes -- Establishes procedures for issuance of administrative inspection warrant authorizing building official to inspect named premises to determine whether violation of any state law or local building, fire, or life safety code is occurring. Amends TCA Title 68, Chapter 120, Part 1.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, Part 1, is amended by adding the following new section:

Section 68-120-1\_\_\_. (a)(1) "Issuing officer," as used in this section, means either:

(A) Any official authorized by law to issue search warrants; or

(B) Any court of record in the county of residence of the agency making application for an administrative inspection warrant.

(2) "Building official," as used in this section, means any local government building official certified pursuant to §68-120-113, provided that such official is acting in their capacity as an official of a municipality or county, and provided that the official is seeking to enforce the ordinances or codes of such local government.

(3) "Agency," as used in this section, means any county, city, or town employing a building official certified pursuant to §68-120-113.

(b) In the event that a building official is denied permission to make an inspection and a warrant is required by the Constitution of the United States or the State of Tennessee to perform such inspection, a building official may obtain an administrative inspection warrant in accordance with the procedures outlined in this section. The provisions of Title 40, Chapter 6, Part 1, shall not apply to warrants issued pursuant to this section.

(c) The issuing officer is authorized to issue administrative inspection warrants authorizing a building official to inspect named premises. In so doing, the issuing officer must determine from the affidavits filed by the building official, acting as an officer of the agency requesting the warrant that:

(1) The agency has the statutory authority to conduct the inspection;

(2) Probable cause exists to believe that a violation of law has occurred or is occurring. For the purposes of this section, probable cause is not the same standard as used in obtaining criminal search warrants. In addition to a showing of specific evidence of an existing violation, probable cause can be found upon a showing of facts justifying further inquiry, by inspection, to determine whether a violation of any state law or local building, fire, or life safety code is occurring. This finding can be based upon a showing that:

(A) Previous inspections have shown violations of law and the present inspection is necessary to determine whether those violations have been abated;

(B) Complaints have been received by the agency and presented to the issuing officer, from persons who by status or position have personal knowledge of violations of law occurring on the named premises;

(C) The inspection of the premises in question was to be made pursuant to an administrative plan containing neutral criteria supporting the need for the inspection; or

(D) Any other showing consistent with constitutional standards for probable cause in administrative inspections;

(3) The inspection is reasonable and not intended to arbitrarily harass the persons or business involved;

(4) The areas and items to be inspected are accurately described and are consistent with the statutory inspection authority; and

(5) The purpose of the inspection is not criminal in nature and the agency is not seeking sanctions against the person or business for refusing entry.

(d) The issuing officer shall immediately make a finding as to whether an administrative inspection warrant should be issued and if the issuing officer so determines, issue such warrant. No notice shall be required prior to the issuance of the warrant.

(e) All warrants shall include at least the following:

(1) The name of the agency and building official requesting the warrant;

(2) The statutory or regulatory authority for the inspection;

(3) The names of the building official(s) authorized to conduct the administrative inspection;

(4) A reasonable description of the property and items to be inspected;

(5) A brief description of the purposes of the inspection; and

(6) Any other requirements or particularity required by the constitutions of the United States and the State of Tennessee, regarding administrative inspections.

(f) All warrants shall be executed within ten (10) days of issuance.

(g) Any person who willfully refuses to permit inspection, obstructs inspection or aids in the obstruction of an inspection of property described in an administrative inspection warrant commits a Class C misdemeanor.

(h) Any person aggrieved by an unlawful inspection of premises named in an administrative inspection warrant may in any judicial or administrative proceeding move to suppress any evidence or information received by the agency pursuant to such inspection.

(i) If the court or the administrative agency finds that the inspection was unlawful, such evidence and information shall be suppressed and not considered in the proceeding.

SECTION 2. The provisions of this act shall only apply in jurisdictions that require enforcement of building ordinances or codes and make inspections of premises to implement and enforce such ordinances or codes.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1728**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

**Senate Bill No. 1848** -- Boards and Commissions -- Requires clinical pastoral counselors to be licensed rather than certified. Amends TCA Title 63, Chapter 22, Part 2.

On motion, Senate Bill No. 1848 was made to conform with **House Bill No. 1697**.

On motion, House Bill No. 1697, on same subject, was substituted for Senate Bill No. 1848.

Senator Ford moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Harper moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1697** passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

Senator Henry moved that **Senate Bill No. 1858** be placed on the calendar for Monday, May 26, 2003, which motion prevailed.



**FURTHER ACTION ON SENATE BILL NO. 1665, AS AMENDED**

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1665**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

**House Bill No. 843** -- Local Government, General -- Changes publication of proposed county annual operating budget following presentation to governing body from one day to five days, if publication is in daily newspaper, or to next edition for which notices are accepted, if publication is in newspaper published less frequently than daily. Amends TCA Section 5-8-507.

Senator Kurita moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the following language in Section 1 of the bill:

However, no county shall be required to publish the proposed annual operating budget in any newspaper if such county publishes the proposed annual operating budget on the county's Internet web site, which shall be accessible to the public, on the day the budget is presented to the governing body in order to give the public notice of the budget. No county commission shall approve final adoption of such budget until at least ten (10) days after the budget has been so published by either method.

and substituting instead the following language:

No county commission shall approve final adoption of such budget until at least ten (10) days after the budget has been so published. A county may also publish the proposed annual operating budget on the county's Internet web site, which shall be accessible to the public, on the day the budget is presented to the governing body in order to give the public notice of the budget.

Senator Fowler moved that Amendment No. 2 go to the table, which motion failed by the following vote:

Ayes . . . . .	6
Noes . . . . .	23

Senators voting aye were: Burchett, Clabough, Cohen, Fowler, Norris and Ramsey--6.

Senators voting no were: Atchley, Beavers, Bryson, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Southerland, Trail and Mr. Speaker Wilder--23.

Thereupon, Amendment No. 2 was adopted.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting the amendatory language of Section 1 of the bill and substituting instead the following:

(a) Notwithstanding the provisions of any other law to the contrary, the county commission shall cause to be published the proposed annual operating budget, no later than five (5) days after the budget is presented to the governing body, in a newspaper of general circulation, if the newspaper is published daily. If the newspaper of general circulation is published less frequently than daily, then the commission shall cause the proposed annual operating budget to be published in the first edition for which the deadline for publication falls after the budget is presented to the governing body. However, no county shall be required to publish the proposed annual operating budget in any newspaper if such county publishes the proposed annual operating budget on the county's Internet website, which shall be accessible to the public, on the day the budget is presented to the governing body in order to give the public notice of the budget. Any county which elects to post the budget on the Internet in lieu of publishing the budget in a newspaper shall publish a notice in the newspaper on or before the date the budget is posted on the Internet indicating that a copy of the budget will be made available on the Internet and providing the Internet address for the site where a copy of the budget may be found. Such notice may also provide a listing of locations within the county where free access to the Internet is available. No county commission shall approve final adoption of such budget until at least ten (10) days after the budget has been so published by either method.

Senator Kurita moved that Amendment No. 3 go to the table, which motion prevailed by the following vote:

Ayes .....	17
Noes .....	10

Senators voting aye were: Atchley, Beavers, Burchett, Burks, Cooper, Dixon, Harper, Haynes, Henry, Herron, Kilby, Kurita, McLeary, McNally, Person, Southerland and Trail--17.

Senators voting no were: Bryson, Clabough, Cohen, Crutchfield, Ford, Fowler, Ketron, Norris, Ramsey and Williams--10.

Senator Fowler moved that **House Bill No. 843**, as amended, be rereferred to the Committee on Calendar, which motion prevailed.

Senator Clabough moved that **House Bill No. 1030**, as amended, be placed on the calendar for Wednesday, May 21, 2003, which motion prevailed.

**Senate Bill No. 61** -- Safety -- Clarifies that nothing in child safety belt law prevents mother from attending to child's other physiological needs; restores language removed from child restraint law in 102nd General Assembly. Amends TCA Section 55-9-602, as amended.

Senator Haynes moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding the following language as a new section immediately preceding the effective date section:

SECTION \_\_\_. Tennessee Code Annotated, Section 55-9-602, is amended by adding the following language as a new, appropriately designated subsection:

(1) The failure to use a child restraint system shall not be admissible into evidence in a civil action; provided, that evidence of a failure to use a child restraint system, as required by this section, may be admitted in a civil action as to the causal relationship between non-compliance and the injuries alleged, if the following conditions have been satisfied:

(A) The plaintiff has filed a products liability claim;

(B) The defendant alleging non-compliance with this section shall raise this defense in its answer or timely amendment thereto in accordance with the rules of civil procedure; and

(C) Each defendant seeking to offer evidence alleging non-compliance with this section has the burden of proving non-compliance with this section, that compliance with this section would have reduced injuries and the extent of the reduction of such injuries.

(2) Upon request of any party, the trial judge shall hold a hearing out of the presence of the jury as to the admissibility of such evidence in accordance with the provisions of this subsection and the Tennessee Rules of Evidence.

On motion, the amendment was adopted.

Senator Clabough moved for the previous question on **Senate Bill No. 61**, as amended, which motion prevailed.

Senator Haynes moved that **Senate Bill No. 61**, as amended, be placed on the calendar for Thursday, May 22, 2003, which motion prevailed.

**Senate Bill No. 83** -- Public Contracts -- Prohibits person from bidding on public contract if relative is member of board or commission responsible for awarding contract; prohibits state employee from working for government entity if relative is member of board or commission that makes decisions affecting operation of such entity. Amends TCA Section 8-31-103 and Section 12-3-106, as amended.

**MONDAY, MAY 19, 2003 -- 42ND LEGISLATIVE DAY**

On motion, Senate Bill No. 83 was made to conform with **House Bill No. 202**.

On motion, House Bill No. 202, on same subject, was substituted for Senate Bill No. 83.

Senator Haynes moved that the Senate reconsider its action in adopting Amendment No. 1, which motion prevailed.

Senator Haynes moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Haynes moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Haynes moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting the language:

It is a conflict of interest for any person to bid on any public contract for products or services for a governmental entity if a relative is a member of a board or commission having responsibility of letting or approving such contract.

and substituting instead the language:

It is a conflict of interest for any person or any company with whom such person is an officer, a director, or an equity owner having an ownership interest greater than one percent (1%) to bid on any public contract for products or services for a governmental entity if such person or a relative of such person is a member of a board or commission having responsibility for letting or approving such contract.

On motion, the amendment was adopted.

Senator Cohen moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 202**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	27
Noes . . . . .	1
Present, not voting . . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--27.

Senator voting no was: Ford--1.

Senator present and not voting was: Dixon--1.

A motion to reconsider was tabled.

**Senate Bill No. 422** -- Wildlife Resources Commission -- Authorizes commission to promulgate rules and regulations to adjust fees for licenses and permits and to establish new licenses and permits together with necessary fees; requires fee amounts to be tied to consumer price index; requires all fees to be deposited to wildlife resources fund solely for use of agency; requires commission to report fee increases to legislature and legislature must approve rules and regulations. Amends TCA Title 70.

Senator Henry moved to amend as follows:

**AMENDMENT NO. 1**

AMEND in amendatory subdivision (7) of Section 3 of the printed bill by inserting after the date "March, 1990" the following:

or, in the case of any permit, license or permit/license package fee adjustment after the initial adjustment under this subdivision (7), the difference in the average consumer price index (all items -- city average) between the dates of one adjustment and any subsequent adjustment

On motion, the amendment was adopted.

**MR. SPEAKER WILDER RESUMES CHAIR**

Mr. Speaker Wilder resumed the Chair.

Thereupon, **Senate Bill No. 422**, as amended, passed its third and final consideration by the following vote:

Ayes .....	24
Noes .....	7

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Henry, Ketron, Kurita, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--24.

Senators voting no were: Beavers, Burks, Ford, Haynes, Herron, Kilby and McNally--7.

A motion to reconsider was tabled.

Senator Cooper moved that **Senate Bill No. 642** be placed on the calendar for Wednesday, May 21, 2003, which motion prevailed.

Senator Crutchfield declared Rule 13 on **Senate Bill No. 642**.

**MOTION**

Senator Person moved that Rule 83(8) be suspended for the purpose of placing **House Joint Resolution No. 445** on the calendar for the Committee on Judiciary for Tuesday, May 20, 2003, which motion prevailed.

CALENDAR

Senator Cooper moved that **Senate Bill No. 810** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 1583** -- Unclaimed Property -- Deletes references to obsolete unclaimed property provisions. Amends TCA Title 66, Chapter 29, Part 1.

On motion, Senate Bill No. 1583 was made to conform with **House Bill No. 1552**.

On motion, House Bill No. 1552, on same subject, was substituted for Senate Bill No. 1583.

Senator Cooper moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1552** passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 1981** -- Energy -- Updates energy code for public buildings. Amends TCA Title 13, Chapter 19.

Senator Cooper moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting in its entirety all language following the enacting clause, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-19-101, is amended by inserting a period after the words "new buildings", by deleting the remainder of the language in the section, and by adding the following language at the end of the section:

Notwithstanding the provisions of the first sentence of this section, local jurisdictions shall have the option of adopting the 2000 International Energy Conservation Code with 2002 amendments, published by the International Code Council, as the minimum requirements for the effective use of energy in new buildings in that jurisdiction. However, any revisions or amendments to the above referenced codes shall become effective only upon approval by the General Assembly or upon approval by the appropriate committee of the General Assembly.

**MONDAY, MAY 19, 2003 -- 42ND LEGISLATIVE DAY**

SECTION 2. Tennessee Code Annotated, Section 13-19-103(3), is amended by adding after the word "Edition" and before the punctuation ";," the language "or as specifically exempted by Section 101.4.1 of the 2000 International Energy Conservation Code with 2002 amendments in jurisdictions that have adopted the 2000 International Energy Conservation Code with 2002 amendments pursuant to Section 13-19-101".

SECTION 3. Tennessee Code Annotated, Section 13-19-108, is amended by inserting the language "or the 2000 International Energy Conservation Code with 2002 amendments compliance" between the word "compliance" and the word "deemed".

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1981**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Graves moved that **Senate Bill No. 1198** be placed on the calendar for Wednesday, May 21, 2003, which motion prevailed.

**MOTION**

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1609** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 20, 2003, which motion prevailed.

**NOTICE**

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 718, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2003

MR. SPEAKER: I am directed to return Senate Bill No. 792. The House moved to lift from the table the motion to reconsider its action on Senate Bill No. 792; the House reconsidered Senate Bill No. 792; adopted Amendment No. 8 and repassed Senate Bill No. 792 on third and final consideration, as amended.

BURNEY T. DURHAM,  
Chief Clerk.

MOTION

On motion of Senator Ketron, his name was added as sponsor of **Senate Bills Nos. 1728 and 1998.**

On motion of Senator Graves, her name was added as sponsor of **Senate Bill No. 1991.**

On motion of Senator Williams, his name was removed as sponsor of **Senate Bill No. 1728.**

On motion of Senator Clabough, his name was added as sponsor of **Senate Bill No. 1609.**

On motion of Senator Trail, his name was removed as sponsor of **Senate Bill No. 1609.**

On motion of Senator Kilby, his name was added as sponsor of **Senate Bill No. 1371.**

On motion of Senator Dixon, his name was added as sponsor of **Senate Bill No. 1371; Senate Joint Resolution No. 321; and House Joint Resolution No. 425.**

On motion, all Senators' names were added as sponsors of **Senate Resolutions Nos. 71 and 89; Senate Joint Resolutions Nos. 259 and 260; and Senate Bill No. 1913.**

On motion of Senator Trail, his name was added as sponsor of **Senate Bills Nos. 337 and 701.**

On motion of Senator Cooper, his name was added as sponsor of **Senate Bills Nos. 704 and 907; and House Joint Resolution No. 568.**

On motion of Senators Burks, Dixon, Graves, Fowler, Crowe, Norris, Kilby and Herron, their names were added as sponsors of **Senate Bill No. 1282.**

On motion of Senator Bryson, his name was added as sponsor of **Senate Bill No. 1665.**

On motion of Senator Fowler, his name was added as sponsor of **Senate Bills Nos. 337 and 1008.**

On motion of Senator McLeary, his name was added as sponsor of **Senate Bills Nos. 694 and 704.**



**ENGROSSED BILLS**

May 19, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 337, 350, 422, 433, 683, 907, 1344, 1648, 1665, 1728, 1981 and 1998; and Senate Joint Resolutions Nos. 259, 260, 321, 438, 439, 440, 441, 442, 443, 444, 445, 446 and 449; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 19, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 454, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2, 53, 166, 427, 479, 795, 1189, 1262, 1383, 1474, 1475, 1562, 1611, 1627, 1650, 1813, 1815, 1819 and 1979; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 202, 641 and 1491; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1606, passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 999, 1259, 1501, 1512, 1515, 1527, 1549, 1692, 1985 and 2019; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 121, 238, 433, 434, 435, 436, 450 and 451; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 445, 485, 580, 581 and 582; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

May 19, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 64, 116, 301, 311, 389, 396, 430, 434, 664, 694, 762, 791, 863, 878, 918, 1207, 1279, 1288, 1342, 1343, 1389, 1399, 1518, 1676, 1744, 1817, 1854 and 1931; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

May 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 71, 87 and 89; and Senate Joint Resolutions Nos. 121, 238, 433, 434, 435, 436, 450 and 451; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MONDAY, MAY 19, 2003 -- 42ND LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 19, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 229, 276, 456, 566, 647, 778, 847, 1032, 1080, 1099, 1231, 1361, 1408, 1467, 1473, 1634, 1635, 1649, 1706, 1726, 1784, 1994, 2013, 2041, 2056 and 2091; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 32 and 425, for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

May 19, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 64, 116, 301, 311, 389, 396, 430, 434, 664, 694, 762, 791, 863, 878, 918, 1207, 1279, 1288, 1342, 1343, 1389, 1399, 1518, 1676, 1744, 1817, 1854 and 1931; and House Bills Nos. 229, 276, 456, 566, 647, 778, 847, 1032, 1099, 1231, 1361, 1408, 1467, 1473, 1634, 1635, 1649, 1706, 1726, 1784, 1994, 2013, 2041, 2056 and 2091.

**SIGNED**

May 20, 2003

The Speaker announced that he had signed the following: Senate Resolutions Nos. 71, 87 and 89; and Senate Joint Resolutions Nos. 121, 238, 433, 434, 435, 436, 450 and 451.

**SIGNED**

May 20, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 32 and 425.

**MESSAGE FROM THE HOUSE**

May 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 121, 238, 433, 434, 435, 436, 450 and 451; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 16, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 362, 368, 369, 370, 371, 372, 374, 375, 377, 392, 405, 406, 407, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431 and 448; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 694, for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 121, 238, 433, 434, 435, 436, 450 and 451; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

May 19, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 279, 375, 1345, 1465, 1538, 1733, 1739, 1787, 1789, 1793, 1901 and 1978; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 21, 2003: House Joint Resolutions Nos. 560, 561, 562, 563, 565, 566, 567, 568, 569, 570, 571, 573, 574, 575, 576, 577, 578 and 579; and Senate Joint Resolution No. 453.

This the 19th day of May, 2003.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 21, 2003: Senate Bills Nos. 32, 268, 702, 922, 1090 and 1960; House Bill No. 1772; and Senate Bills Nos. 154, 803, 917 and 1991.

This the 19th day of May, 2003.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
LOCAL BILL  
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Wednesday, May 21, 2003: Senate Bills Nos. 2026, 2029, 2032 and 2033.

**SENATE  
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Wednesday, May 21, 2003: Senate Bills Nos. 718, 792, 1067, 1332, 1647, 1687, 1955 and 1959.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 3:00 p.m., Wednesday, May 21, 2003, which motion prevailed.